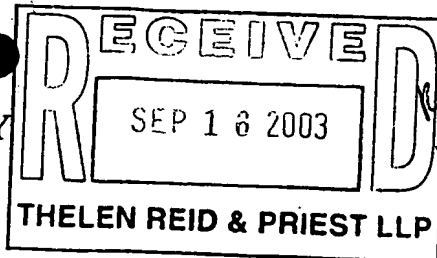


PATENT COOPERATION TREATY



From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
ROBERT E. KREBS
THELEN REID & PRIEST, LLP
P.O. BOX 640640
SAN JOSE, CA. 92038

PCT

WRITTEN OPINION

(PCT Rule 66)

11-15-05

Date of Mailing (day/month/year) 11 SEP 2003		
REPLY DUE within 2 months/days from the above date of mailing		
Applicant's or agent's file reference 033905-000011	Priority date (day/month/year) 23 January 2002 (23.01.2002)	
International application No. PCT/US02/15000	International filing date (day/month/year) 08 May 2002 (08.05.2002)	Priority date (day/month/year) 23 January 2002 (23.01.2002)
International Patent Classification (IPC) or both national classification and IPC IPC(7): A63B55/00, 55/04 and US Cl.: 206/315.3, 315.7, 315.5, 315.8, 315.5		
Applicant HEROLD, JEFFREY		

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension. See rule 66.2(d).~~

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 23 May 2004 (23.05.2004)

Name and mailing address of the IPEA/US
Mail Stop PCT, Attn: IPEA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Facsimile No. (703)305-3230

Authorized officer

Tri M. Mai

Telephone No. (703)308-1148

Shelley H. Venev
Patent Specialist
Tech. Center 3700

Mail log _____ Date _____

Form PCT/IPEA/408 (cover sheet)(July 1998)

CPI _____ DOCKETED _____

SEP 17 2003

Excel _____ Date _____

WRITTEN OPINION

International application No.

PCT/US02/15000

I. Basis of the opinion

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
 pages 1-16, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____
- ☒ the claims:
 pages 17-19, as originally filed
 pages NONE, as amended (together with any statement) under Article 19
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____
- ☒ the drawings:
 pages 1-7, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages NONE, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

WRITTEN OPINION

International application No.
PCT/US02/15000

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims <u>4-11</u>	YES
	Claims <u>1-3,12-20</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-20</u>	NO
Industrial Applicability (IA)	Claims <u>1-20</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 1-3, 12, 17, 19, and 20 lack novelty under PCT Article 33(2) as being anticipated by DeMichele (6330944). DeMichele teaches a modular golf club and golf accessory bag comprising a chassis, at portion 20, at least one pocket 74, a shoulder strap system (154 - Fig. 23), having closed bottom and open top, and the bag is disposed on the exterior of the bag as claimed.

With respect to the chassis being cylindrical, looking at the mouth in Fig. 1, the chassis in DeMichele is considered cylindrical to the degree the term "cylindrical" is applied broadly in the specification.

Regarding claim 12, the pocket is colored as claimed.

Regarding claim 17, DeMichele teaches a kit of golf bag with components as shown in Fig. 20. It is noted that the pockets inherently have colored surfaces.

Claims 1-3, 12-17, 19, and 20 lack novelty under PCT Article 33(2) as being anticipated by Brown (4350194). Brown teaches a modular golf club and golf accessory bag comprising a chassis, at least one pocket 74, a shoulder strap system (col. 8, line 55), having closed bottom and open top, and the bag is disposed on the exterior of the bag as claimed.

Regarding claim 13, portion 66 is the flap as claimed.

Regarding claim 14, note the strip where fasteners 106 attach in Fig. 17.

Claims 4-7, 10 and 11 lack an inventive step under PCT Article 33(3) as being obvious over Brown in view of Izzo (5038984). Brown meets all claimed limitations except for the strap with a three-point attachment system. Izzo teaches that it is known in the art to provide a strap with three-point attachment system as shown in fig. 2. It would have been obvious to one of ordinary skill in the art to provide a strap with a three-point attachment system in Brown as taught by Izzo to provide an alternative strap for the bag.

Regarding claim 7, note the buckles 160, 180, 152, 172 in Fig. 7B.

Regarding claim 10, Izzo teaches that it is known in the art to provide a back pad 110. It would have been obvious to one of ordinary skill in the art to provide a back pad in Brown as taught by Izzo to carry the bag comfortably.

Regarding claim 11, it would have been obvious to one of ordinary skill in the art to use stud fasteners to provide an alternative fastening means.

Claims 8-9 lack an inventive step under PCT Article 33(3) as being obvious over Brown in view of Chen (6227503). Brown meets all claimed limitations except for the stand system. Brown meets all claimed limitations except for the removable stand system. Chen teaches that it is known in the art to provide a removable stand system. It would have been obvious to one of ordinary skill in the art to provide a stand system in Brown as taught by Chen to permit the standing of the golf bag easily.

Claim 18 lacks an inventive step under PCT Article 33(3) as being obvious over Brown in view of Nelson. Brown meets all claimed limitations except for the indicia. Nelson teaches that it is known in the art to provide indicia at portion 200A. It would have been obvious to one of ordinary skill in the art to provide indicia in Brown as taught by Nelson to advertise the event easily.

Claims 17-20 lack novelty under PCT Article 33(2) as being anticipated by Nelson (5632496). Nelson teaches a kit of golf bag component with a plurality of pockets having exterior surfaces at portion 200 with indicia.

Claims 1-20 meet the criteria under PCT Article 33(4), because the subject matter claimed can be made or used in industry.

----- NEW CITATIONS -----

WRITTEN OPINION

International application No.
PCT/US02/15000

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.